

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- April 13, 1966

Appeal No. 8688 J. R. Maben, appellant

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and unanimously carried, the following Order was entered by the Board at its meeting on July 18, 1966.

EFFECTIVE DATE OF ORDER: August 25, 1966

ORDERED:

That the rehearing of the appeal of John R. Maben for permission to change a nonconforming use from a fingerprint school and office to office for Home Improvement Construction Co. on first floor of premises 1701 Monroe Street, N.E. and 3415 - 17th Street, N.E., lot 21, Sq. 4146, be conditionally granted.

As a result of an inspection of the property and from the record and the evidence adduced at the public hearing, the Board finds the following facts:

- (1) Appellant's property is located in an R-1-B District.
- (2) The Board made an exterior inspection of the property on July 11, 1966.
- (3) The lot is improved with a two story building which is situated on a corner lot and has entrances on 17th Street and on Monroe Street. The 17th Street frontage is a store front and the Monroe Street frontage is residential.
- (4) The record contains a letter from the D. C. Assessor indicating that the subject property has been used as a multiple purpose structure-- store or office on the first floor and living quarters on the second floor-- since 1957 and that the property has been assessed on that basis. No records are available to indicate the use of the property prior to 1957.
- (5) A letter dated March 18, 1966 from the Potomac Electric Power Co. indicates that the subject premises have been serviced with two electric accounts, the first floor having been billed under the "GS" Commercial rate since February 11, 1946 and the second floor having been billed under the "R" Residential rate since February 11, 1946.
- (6) The record indicates that occupancy permits have been issued for the premises as a commercial use and a multiple dwelling since 1920. Certificate of Occupancy No. 29620 for a grocery was issued in 1930. Certificate of Occupancy No. 46374 for a grocery in 1934, C/O 59486 for grocery in 1938, C/O 63465 in 1939 for grocery. C/O's for a beauty shop was issued in 1939,

1940, 1941 - Numbers 64760, 68056, 70646 respectively. Since 1941, Certificates of occupancy Nos. 90478 and 96239 and 82033 were issued for a school detective agency. The school remained until 1965.

(7) At the Executive Meeting of April 27, 1966, the Board denied permission to change the nonconforming use.

(8) On June 15, 1966 appellant requested a rehearing which was granted at the Executive Meeting of June 22, 1966. No Order had been written as of that date denying the appeal heard April 13, 1966.

(9) Appellant proposes to have an office for a construction company on the first floor of the premises. Appellant resides in an apartment on the first floor rear. There are also apartments on the second floor of the building.

(10) The construction company will have two employees, one truck, and will operate during the hours of 9:00 to 5:00 p.m.

(11) Opposition to the granting of this appeal was registered at the public hearing on April 13, 1966. Petitions containing the signatures of nineteen (19) residents of the area were filed opposing the location of the construction firm at the premises. One letter in opposition was filed.

(12) Before the rehearing on July 13, 1966 three (3) letters were filed in opposition to the granting of this appeal.

(13) On July 13, 1966 appellant presented a petition signed by thirteen (13) residents of Monroe Street and 17th Street expressing no opposition to the granting of this appeal.

(14) Appellant states that there will be no storage of equipment on the premises.

OPINION:

We are of the opinion that the proposed use of the first floor of premises 1701 Monroe St., N.E. will not affect adversely the present character and future development of the neighborhood. The first floor of the subject building has a commercial look and has apparently had various commercial uses for a period of over forty years. The use of the premises as an office would not seem to be any more objectionable than the use of the premises as a school. We further conclude that the new use will not substantially impair the purpose and intent of the Zoning Regulations as embodied in the regulations and map.

The Order shall be subject to the following conditions:

- (a) The Order shall be effective for a period of two (2) years.
- (b) No neon or gas tube displays shall be located on the outside of the building, nor shall any such displays, if placed inside of building, be visible from the outside of the structure.